

REMARKS

I. Anticipation Rejection of Claim 8

Claim 8 was rejected as anticipated under 35 U.S.C. 102 (b) by H. Heberer, et al.

Heberer, et al, do disclose a compound having a structural formula which is a species of the 4-nitro-2, 1, 3-benzoxadiazole compound of formula I claimed in claim 8, in which X = O, and R1, R2 and Q each denote hydrogen.

Claim 8 has now been amended by adding the proviso that, if R1, R2 and Q each are H, then X is not O.

Thus claim 8 no longer claims the compound disclosed by Heberer, et al, that provides the basis for the anticipation rejection.

For the foregoing reason and because of the change in claim 8, withdrawal of the anticipation rejection of claim 8 under 35 U.S.C. 102 (b) based on Heberer, et al, is respectfully requested.

II. Claims 2 to 6 and 9 to 13

According to page 2 of the Office Action, claims 2 to 6 and 9 to 13 contained allowable subject matter, but depended on a rejected base claims.

In view of the changes in amended claim 8, which is now considered to be allowable, favorable allowance of claims 2 to 6 and 9 to 13 is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,



Michael J. Striker,

Attorney for the Applicants

Reg. No. 27,233